

1 to tell you -- I think -- agrees -- when he says, "We
2 did something," the "we" is the radio station ran a
3 PSA, a live remote or something on the air programming.
4 And that's what they're going to tell you about. And
5 the Review Board says that's not relevant.

6 JUDGE SIPPEL: Mr. Lynch. What are we
7 going to hear from Mr. Lawless?

8 MR. LYNCH: I've rolled up my sleeves and
9 kicked for that organization since it came in, that
10 drugs have been a major point of our programming
11 efforts on AM and FM, and that some of the results have
12 been not phenomenal but very, very, very substantial.
13 I believe more substantial than any other media in the
14 area.

15 He'll also tell you that I have spent a
16 lot of time and a lot of effort myself away from the
17 radio station designing various fundraisers, helping
18 them, designing booths for fundraisers and -- like in
19 here, "Mr. Lynch not only oversaw extensive radio
20 promotion -- campaigned but lent his considerable
21 skills to the whole campaign" -- telling him where to
22 go, how to get people involved in this whole thing,
23 boom.

24 JUDGE SIPPEL: Mr. Schonman.

25 MR. SCHONMAN: Your Honor, I have no

1 objection tot his coming in. I think it goes to Mr.
2 Lynch's reputation.

3 However, I do object to the last paragraph
4 on page 10, because it refers to the Recovery Radio
5 Program which began in September 1991. That's beyond
6 the renewal period. And we also struck from one of the
7 previous Exhibits the reference to Recovery Radio,
8 because it was outside the renewal period.

9 JUDGE SIPPEL: Excellent.

10 The last paragraph's going to come out of
11 Mr. Lawless' statement subject to perjury.

12 I would also carry over to page 11 of
13 Exhibit 9 -- Do you want him for cross examination,
14 too?

15 MR. TILLOTSON: Well, Your Honor, perhaps
16 we could stipulate -- you see -- I think it's been
17 clear now that all these are going to tell us is what I
18 think the document tells us with -- is that what Mr.
19 Lynch has done is his radio stations have promoted this
20 "Call a Cab, Save a Life," and that's helped their
21 efforts or their organization.

22 And if we can stipulate that that's all
23 he's going to do, that's what he's saying here, then I
24 would not need him for cross examination because I
25 think it's clear that it doesn't mitigate anything.

1 But, now, Mr. Schonman finds in this
2 something about his character. And if it's coming in
3 for the purposes that this somehow is an attestation to
4 Mr. Lynch's character and thereby mitigating, I
5 certainly would want to find a lot more about what this
6 man knows about Mr. Lynch personally and his character
7 and so on.

8 JUDGE SIPPEL: You know I'm getting the
9 feeling, Mr. Tillotson -- I'm getting the feeling
10 you're overtrying this case.

11 MR. TILLOTSON: Probably.

12 JUDGE SIPPEL: Maybe you want to think
13 about that a little bit because -- you know -- we're
14 talking in very broad terms about relevancy and -- of
15 mitigating evidence, mitigating evidence in the general
16 scope of things. And, sure, we could find some
17 language of the Review Board and the Commission that
18 narrowly says that if you do something that's really
19 terrible you can't consider meritorious programming.

20 But we have such a mixed bag here. And if
21 you look at this the way it is -- that is, the Lawless
22 statement the way it is -- and you get Mr. Lawless on
23 the stand and you spend an hour with him, and all of a
24 sudden you've got a statement that extends on for four
25 or five pages, that may start getting into some very

1 specific things. And you don't know exactly where it's
2 going to go, I'm not so sure that that's going to help
3 anybody out in this case. It may end up helping out
4 Mr. --

5 MR. TILLOTSON: You're correct, Your
6 Honor, but, you see, I would say that it's an
7 evidentiary matter. It shouldn't have come in in the
8 first place.

9 JUDGE SIPPEL: I know.

10 MR. TILLOTSON: And my concern is that
11 when you have a ton of these things that do come in
12 this way, I need to be able -- I want to be able to
13 show that it really is -- these people really don't
14 know a lot and this radio station -- when somebody
15 says, "This station did more than anybody else in the
16 community," I'd like to find out what did you do? How
17 much -- do with this station? How have you compared?
18 Have you listened and so on -- you know -- because I've
19 been through this enough, Your Honor -- we went through
20 the Queensbury case -- and have a good sense of what
21 I'd find out.

22 JUDGE SIPPEL: Well, as I say, yes, you
23 might be able to find out a lot, but at what cost? And
24 you're saying that the tradeoff has to be this --
25 either -- this comes in and we go to war. This stays

1 out and we can move on to the next battle.

2 I'm going to give you the -- I'm going --
3 you know -- I'm going to give you a selected number of
4 these that you can cross examine these people on; but
5 if you think -- and I don't think you -- think this --
6 but I say -- let me say hypothetically -- I mean, if
7 you thought that a piece of paper that's telling me
8 that this station is the greatest station in whatever
9 county that -- what county are you in?

10 MR. LYNCH: Warren.

11 JUDGE SIPPEL: In Warren County, New York,
12 and you think that I will make a finding on that based
13 on -- I mean, it just --

14 MR. TILLOTSON: No, Your Honor, I'm not --
15 And, in fact, I agree with you. Once we get done here
16 I think that two or three -- one or two of the
17 community witnesses that you receive so we can find out
18 the depth and the -- you know -- I think a
19 representative sampling is more than we really need for
20 the record. I agree with that.

21 JUDGE SIPPEL: Well, I think this is going
22 to work out all right. I think this is going to work
23 out all right.

24 I'm going to put Mr. Lawless down as one -
25 - another one of those candidates for cross examination

1 by telephone. And I'm satisfied that -- you know --
2 you're going to give a lot of thought to it before we
3 take the next step.

4 Now -- and I have stricken the last
5 paragraph as -- granted Mr. Schonman's motion on that.

6 Now, we've got Congressman Solomon --
7 Exhibit 9, 12. He's not --

8 MR. TILLOTSON: And there's nothing
9 specific at all.

10 JUDGE SIPPEL: High integrity and moral
11 rectitude, as of September 24, 1990. Was this used in
12 connection with Judge Kuhlman's case?

13 MR. LYNCH: It was.

14 JUDGE SIPPEL: The same thing. I'm not
15 taking any testimonials from anybody who hasn't seen
16 Judge Kuhlman's decision before they come to me with
17 it. So that's rejected.

18 The affidavit of Rita Mahon Rath, page 13
19 of Exhibit 9. And this was dated July of '92, so this
20 is current. What's your view on this, Mr. Tillotson?

21 MR. TILLOTSON: I really don't think it
22 should come in for the reasons I've stated earlier; but
23 I also don't need to cross examine her if it does.

24 In other words, again, it's missing that
25 degree of specificity and I think it -- to be

1 programming and I don't see that it goes to character
2 and mitigation.

3 JUDGE SIPPEL: Mr. Schonman?

4 MR. SCHONMAN: The Bureau has no
5 objection, Your Honor.

6 JUDGE SIPPEL: All right. We'll let that
7 one come in.

8 To Whom It May Concern from Gerald Eichin
9 of the Operation Santa Claus.

10 Unless you have -- you know -- unless you
11 have something that's a contemporaneous note that might
12 refresh a recollection or that you could use to
13 confront somebody on cross examination, I'm not going
14 to let anything except typewritten materials come into
15 this case.

16 MR. LYNCH: He didn't have a typewriter
17 available. This is one of the best things we do all
18 year.

19 JUDGE SIPPEL: Well --

20 MR. LYNCH: We've done it for almost 20
21 years. Good God.

22 JUDGE SIPPEL: Well, you know, you've got
23 a typewriter.

24 MR. LYNCH: Pardon?

25 JUDGE SIPPEL: -- type it. I say you have

1 a typewriter, you could type it for him and bring it
2 back to him. I've done that plenty of times in my
3 career, if I want to use something bad enough.

4 MR. LYNCH: I didn't think about it and he
5 had it on his letterhead and I thought it was more
6 effective on the letterhead. I would look at the
7 content of it. Goodness -- goodness.

8 JUDGE SIPPEL: How's the Bureau feel about
9 this?

10 MR. SCHONMAN: The Bureau has no objection
11 to the extent that the letter refers to the FM
12 stations; but I do see several references to the AM
13 station here.

14 MR. TILLOTSON: In fact, the first page is
15 entirely the AM station down to perhaps the last three
16 lines --

17 MR. LYNCH: -- missing the first
18 paragraph.

19 JUDGE SIPPEL: Beg pardon?

20 MR. LYNCH: "Under penalty of perjury I'm
21 making these statements to attest to WWSC, WYLR's
22 involvement and support of Operation Santa Claus."

23 MR. TILLOTSON: I was saying
24 substantively. The two paragraphs talk about what was
25 done. It says it was -- WWSC in 1974 -- I'm sorry.

1 1974, which is outside of the renewal period. And then
2 you go down below, it says, "Since 1974, WWSC -- " It's
3 only later that you get -- in the next paragraph that
4 they bring in something -- by YLR --

5 JUDGE SIPPEL: 1974, we're outside the
6 renewal period. Is this offered for renewal --

7 MR. LYNCH: This -- every single year
8 since 1974, AM and FM both. And in the last seven
9 years, as he says, FM has taken on its own fundraiser.
10 Last year, we raised \$16,000 -- by ourselves. We spent
11 about a month, month and a half doing it. It was a
12 major -- one of the major things that WYLR does.

13 MR. TILLOTSON: Well, you see, Your Honor,
14 the first page clearly indicates that it was since 1974
15 -- there's no mention until you get down to that second
16 part, WYLR.

17 Now, Mr. Lynch may want to supplement it
18 and say, "Well, in fact, you know, we're claiming YLR
19 also." But this person doesn't seem to be in those
20 early --

21 MR. LYNCH: I'm not claiming -- that's
22 outside the license period and I'm not claiming that,
23 other than long-term integration of both stations with
24 it. But this is something we've done almost 20 years.
25 I -- you know --

1 JUDGE SIPPEL: Well --

2 MR. LYNCH: -- the key in this whole thing
3 is what we're doing --

4 MR. SCHONMAN: Your Honor, I have a
5 question.

6 JUDGE SIPPEL: Yes.

7 MR. SCHONMAN: I'm wondering if there's a
8 line missing from the bottom of mine on page 15. The
9 last line I have is "suggesting greater radio," and
10 that's where it ends.

11 MR. LYNCH: You're probably correct,
12 "radio participation," and then it goes into the "Y-96
13 Holiday Hope Chest."

14 JUDGE SIPPEL: This -- again, it's too
15 vague. There's material missing. I'm not going to --

16 I'm going to reconsider my first ruling
17 about rejecting it because it was hand printed; and my
18 basis for rejecting it is that it's too vague. It's
19 missing matter; and it mixes the AM and the FM
20 activities, causes it to be too confusing to handle.

21 That's my ruling. Let's move on.

22 9, 17, Affidavit of Clifford Grant.
23 Clifford Grant is a former employee. What is Clifford
24 Grant going to testify to?

25 MR. LYNCH: About 18 years of working with

1 me and seeing the number of specific things that I
2 attest to as true.

3 JUDGE SIPPEL: Okay -- again, if he's
4 going to testify to all that period of time, he
5 obviously has been with you a long time and knows a lot
6 about that station. I would want him to be here in
7 Washington to testify.

8 MR. LYNCH: Then I would limit the scope
9 of his testimony to license period and to WYLR itself.

10 JUDGE SIPPEL: How long during the license
11 period has he been with the company?

12 MR. LYNCH: Almost the whole -- during the
13 license period, I believe he was there six out of seven
14 of the years.

15 MR. SCHONMAN: Your Honor, at the top of
16 the second page of this document it says --

17 JUDGE SIPPEL: Three years.

18 MR. SCHONMAN: -- he left three years ago.

19 MR. LYNCH: So he would have been there --

20 MR. SCHONMAN: For the bulk of the renewal
21 period.

22 JUDGE SIPPEL: For the bulk of the renewal
23 period.

24 All right. What does the -- what does the
25 Bureau feel about taking his testimony -- cross

1 examination by telephone?

2 MR. SCHONMAN: Your Honor, I don't think
3 I'm in a position to respond to that now. I think -- I
4 would prefer on this question to speak with my
5 colleague.

6 JUDGE SIPPEL: What would you think about
7 that, Mr. Tillotson?

8 MR. TILLOTSON: Well, Your Honor, I heard
9 Mr. Lynch suggest that we would -- we were to get down
10 just to the license period. I would say that if struck
11 the vague and conclusory sentence -- paragraph and
12 sentence -- paragraph on the first page -- where he
13 says that "there's no comparison between our public
14 service" and so on and "our election coverage was
15 second to none," all of which is conclusory anyhow, the
16 balance of what he's saying here I would -- I don't
17 even know if I'd need him by speaker phone. I mean,
18 that's the only thing I would want to ask him about is
19 what is the basis on which he makes these conclusory
20 statements. And I don't think the conclusory
21 statements should go in the record. I mean, it's not
22 evidence -- not appropriate evidence to start with.

23 MR. LYNCH: Sounds like a reasonable
24 compromise.

25 JUDGE SIPPEL: -- your modification. All

1 right. I'm going to strike the third paragraph,
2 Exhibit 9, page 17, of the affidavit, Clifford Grant.
3 I'll put Clifford Grant down as a potential for
4 telephone cross examination, but probably not.

5 And did you want to confer further on
6 this, Mr. Schonman, or can we resolve Mr. Grant --

7 MR. SCHONMAN: Well, as Mr. Tillotson
8 indicated that he will not be calling Mr. Grant --

9 JUDGE SIPPEL: He's all but said that he's
10 not going to call --

11 MR. TILLOTSON: I'm not -- with that
12 paragraph out, I don't see any substantive information
13 --

14 MR. SCHONMAN: Then we wouldn't call him.

15 JUDGE SIPPEL: All right. And Clifford
16 Grant. That takes care of Clifford Grant. And his
17 affidavit, as modified is in evidence.

18 That takes care of Exhibit 9, so the
19 ruling is that Exhibit -- subject to the rulings --
20 specific rulings on specific pages, Exhibit 9 is
21 received in evidence. And if I haven't already done
22 so, it's identified as Normandy's Exhibit No. 9 for
23 identification, so it's identified and received into
24 evidence, subject to my rulings.

25 (The item referred to,

1 was marked for
2 identification as
3 Normandy Exhibit No.
4 9, and was received in
5 evidence).

6 JUDGE SIPPEL: That leaves only Exhibit
7 10, which is a compilation of letters. Let's see, this
8 is Exhibit 10, and it runs from page 1 all the way down
9 to page 118. It's a considerably sizeable piece of
10 document.

11 Let me go off the record for a minute.

12 (Off the record).

13 (On the record).

14 JUDGE SIPPEL: This has been an off-the-
15 record discussion that's gone on for a little over five
16 minutes, and this is all with respect to Exhibit 10.

17 My first comments are directed to the
18 correspondence in Exhibit 10. And I want to note again
19 for the record that we're talking about an Exhibit that
20 runs 118 pages.

21 With respect to the letters -- the
22 correspondence -- Mr. Lynch has undertaken and is being
23 instructed by the Presiding Judge to review these
24 letters and weed out all letters that are outside the
25 relevant time period, that is which fall outside the

1 period June 1, 1984 to April 30, 1991, and those are
2 not to be considered.

3 Then, from whatever is left of the
4 correspondence, Mr. Lynch will pick 25 letters that he
5 feels are the most useful for purposes of his case and
6 he'll put those in a separate binder and give us an
7 index indicating -- identifying each letter by line,
8 who authored the letter and what organization it was
9 from and what the date of the letter is and be prepared
10 to offer that into evidence when we reconvene in
11 September. That will be taken up as the first item of
12 business. Now, that leaves -- that ruling is only with
13 respect to correspondence.

14 Then there are some affidavits in Exhibit
15 10, and we were just starting to discuss the one that
16 was from Francis X. O'Keefe, who is the Mayor of Glens
17 Falls. And it was sworn to on the 14th day of July,
18 1992, and it will be received into evidence. However,
19 it's going to be subject to cross examination of the
20 Mayor by speaker phone.

21 On this particular one, I'm going to
22 reserve and ruling on it at all until you can confirm
23 that the Mayor is prepared to participate by speaker
24 phone and you get something worked out with him. You
25 understand that, Mr. Lynch?

1 MR. LYNCH: -- Your Honor.

2 JUDGE SIPPEL: Yes.

3 Now, what you're going to have to do,
4 since this is going to be -- unless the Mayor is
5 willing to do it at the expense of Glens Falls. He can
6 do it, certainly, from his own office, that's fine; but
7 you know what the procedure is. You've done it
8 yourself. We give the number out here and the party
9 has to call in at a given time. And the Commission
10 doesn't pay for that phone call.

11 All right. Were there any other
12 affidavits?

13 MR. TILLOTSON: -- appears that there's
14 another -- previously rejected Edward Bartholomew, Jr.,
15 looks to be the same affidavit from 1990.

16 JUDGE SIPPEL: That's going to be
17 rejected. That was submitted to Judge Kuhlman.

18 MR. LYNCH: -- also an affidavit from --

19 JUDGE SIPPEL: Now, wait a minute. What
20 page number are you at?

21 MR. LYNCH: 10, 114.

22 JUDGE SIPPEL: 10, 114.

23 MR. LYNCH: Yes, Your Honor.

24 JUDGE SIPPEL: Did you want to persist in
25 offering that or can we make a decision --

1 MR. LYNCH: Not remembering the whole 118
2 pages, I don't know which my best 25 will be. Probably
3 I will, because we've worked closely with them over a
4 long period of time.

5 JUDGE SIPPEL: All right. Well -- I tried
6 to be very careful about the 25 I'm talking about is 25
7 letters, correspondence, that is those -- sworn to
8 under oath. We're into sworn things under oath, we're
9 in a different category, because I want to be sure that
10 the parties have an opportunity to cross examine.

11 What about Ronald Pesha, Mr. Tillotson?

12 MR. TILLOTSON: My problem with Mr. Pesha
13 is that he -- with the others who've got a lot of
14 references to Normandy, some references to WYLR, but
15 it's -- about the most definite thing we get about what
16 they did " -- a simple phone call has guaranteed live
17 coverage." When? How much coverage? What -- and so
18 on. Doesn't tell us much.

19 I'd say that it's of no probative value.
20 It shouldn't be received.

21 MR. LYNCH: Specifics in the coverage is
22 still on Exhibit 6. You know. This isn't meant to be
23 a specific; and there's nobody out in the community
24 knows how many PSAs you ran for -- That's a name.
25 That's impossible. I would not --

1 MR. TILLOTSON: But if it's in Exhibit 6,
2 then, it's cumulative and we have -- the evidence is
3 the specifics as to what was aired through this
4 organization, this programming. It's nothing other
5 than programming.

6 MR. LYNCH: -- probably will not put this
7 one out.

8 JUDGE SIPPEL: It doesn't look to me like
9 it's -- anything in this case.

10 MR. LYNCH: No --

11 JUDGE SIPPEL: -- anymore questions.
12 Under 403, I'm rejecting it anyway.

13 MR. LYNCH: Okay --

14 JUDGE SIPPEL: -- I'm sorry, I didn't
15 hear from you on this, Mr. Schonman.

16 Okay. Now, so what's left as far as
17 affidavits is concerned? The affidavit of Richard
18 Dusenbery on Exhibit 10, 117. And this is the same
19 affidavit that appears someplace else.

20 MR. LYNCH: Yes, I would not put that.
21 That's already been --

22 JUDGE SIPPEL: He's going to come and
23 testify anyway.

24 MR. LYNCH: Yes, Your Honor.

25 JUDGE SIPPEL: So I'm going to reject it.

1 Under Exhibit 10, I'm rejecting Dusenbery's affidavit.

2 MR. LYNCH: Okay. Well, it's not offered.

3 I don't believe anything under 10 is offered right now.

4 JUDGE SIPPEL: Well, we've had it marked
5 as an Exhibit.

6 MR. LYNCH: Oh, it is?

7 JUDGE SIPPEL: It has been marked as an
8 Exhibit.

9 The item referred to
10 was marked for
11 identification as
12 Normandy Exhibit No.
13 10).

14 JUDGE SIPPEL: You're going to
15 reconstitute it, it's going to be reconstituted -- you
16 bring it in.

17 MR. LYNCH: Okay.

18 JUDGE SIPPEL: But I certainly can rule on
19 these things right now.

20 MR. LYNCH: All right. Fine. I withdraw
21 that one.

22 JUDGE SIPPEL: Well, then I'll consider it
23 withdrawn.

24 MR. TILLOTSON: Which is that --

25 JUDGE SIPPEL: Dusenbery's under Exhibit

1 10.

2 MR. LYNCH: 117, 118.

3 MR. TILLOTSON: But it is -- but the
4 Exhibit --

5 JUDGE SIPPEL: In another place.
6 He's withdrawing it for purposes of
7 Exhibit 10.

8 MR. TILLOTSON: Understood.

9 JUDGE SIPPEL: But this will come back in
10 in some other capacity when Dusenbery -- testimony.
11 Did that cover all the affidavits in
12 Exhibit 10?

13 MR. LYNCH: I believe so, Your Honor.

14 JUDGE SIPPEL: All right.

15 That pretty much wraps up our business for
16 today.

17 I want to set one thing down, and that is
18 we're going to start on the 1st of September, and we
19 have four days to complete this case --

20 One thing that's going to have to be done
21 -- and I'm going to give you a date certain to do it by
22 -- by August 21, I want a status report of a schedule
23 worked out to take the speaker phone testimony. So
24 that would mean who the speaker phone -- who the
25 persons are going to be who are going to be cross

1 examined. And I got so far a universe of Thomas Wade,
2 Marilyn Cohen, Richard Lawless, Gerald Iken (phonetic)
3 and -- No, but Gerald Iken is out. Gerald Iken is out.
4 And Francis O'Keefe. So those are four people, Wade,
5 Cohen, Lawless and Mayor O'Keefe.

6 I mean, you can have -- the end of the day
7 on each of the four days, you could get one to call in
8 -- whatever is convenient to them, we'll --

9 MR. LYNCH: -- know exactly who is going
10 to be called --

11 JUDGE SIPPEL: Well, you're going to work
12 that out with Mr. Tillotson, give him a chance to think
13 about it a little bit longer, but by August 21st -- and
14 -- you know -- talk also -- Mr. Schonman will be in on
15 that, too -- and to the extent that you can give input.
16 I want to keep it limited, obviously, to as few as
17 possible.

18 But by August 21st, I want a status report
19 which would, hopefully, give me a definitive schedule
20 as to exactly who's going to be up for cross
21 examination by speaker phone and what days and what
22 hours they're going to be calling in.

23 MR. LYNCH: Can we also schedule Mr.
24 Dusenbery and Mr. Jacobson, so --

25 JUDGE SIPPEL: Well, yes, you can; but I

1 don't think it's -- I'm not -- as long as they're
2 coming in -- and that's your burden to get them here --
3 you're going to be the one who's going to go forward
4 and you can control, through them, who it is that you
5 want to put on first.

6 MR. LYNCH: I'll call the first witness --

7 JUDGE SIPPEL: You -- Well, I -- that's
8 the way that these cases normally run, that the party
9 who has the burden of going forward picks the order in
10 which you want to put the testimony on.

11 MR. LYNCH: All right.

12 JUDGE SIPPEL: Do you have any reason to
13 vary from that, Mr. Tillotson, Mr. Schonman?

14 MR. SCHONMAN: No, sir.

15 JUDGE SIPPEL: So you work out with these
16 Mr. Dusenbery et al what their schedule is and what
17 their -- and also how you feel it's going to strengthen
18 your case. And you decide in advance how you're going
19 to present their testimony, in other words, what order
20 it's going to come in.

21 They're already locked in because they've
22 already submitted affidavits, so it's just a question
23 of them being here and being subjected to --
24 acknowledging that they have, in fact, signed those
25 affidavits, that that is their sworn testimony and that

1 they're under oath. And then it's up to the other
2 parties to cross examine. All right?

3 But I do want -- with that status report
4 of August 21st, I do want you to state a commitment
5 from you in that status report, preferably a joint
6 status report, but you can do it separately, that, in
7 fact, all of these people are, in fact, have agreed to
8 be here to testify. That's Mr. Thomas Jacobson, Mr.
9 Richard Dusenbery --and I can't recall, how did we
10 leave Clifford Grant?

11 MR. LYNCH: Clifford Grant was going to be
12 --

13 MR. TILLOTSON: Clifford Grant -- former
14 employee and I said I did not need --

15 JUDGE SIPPEL: You don't want him. Once
16 we eliminated -- Yes, so that's right. So we don't
17 even need Clifford Grant.

18 MR. TILLOTSON: And, Your Honor, we will
19 take a look at these witnesses and perhaps even
20 interview them and find out whether we really want --
21 you know -- need to call them. I mean, we may be able
22 to talk to them on an interview basis and find out that
23 there really isn't anything that we want to add or
24 pinpoint one or two that would get it.

25 I don't expect that we'll end up needing

1 all four.

2 JUDGE SIPPEL: Excellent. Excellent. Just
3 be sure that you will keep Mr. Schonman advised as to
4 what's going on.

5 MR. TILLOTSON: Surely.

6 JUDGE SIPPEL: If he wants to participate
7 in any of those interviews, he could do it by
8 conference call -- you know -- work that out amongst
9 yourselves.

10 But by the 21st of August, I would like a
11 definitive report.

12 And I would -- I mean, that's all right.
13 If you wanted to prepare, Mr. Tillotson, you're in town
14 and just confirm through --

15 MR. TILLOTSON: We'll work it out. He can
16 tell me who -- You know, I will tell him -- within the
17 next several days -- certainly by sometime next week --
18 as to who I've -- if anyone -- I've stricken from the
19 list, so that he can then -- you know -- follow up and
20 make sure he's got them lined up, and then we can
21 communicate about the timing.

22 JUDGE SIPPEL: All right. But I do want a
23 commitment from Mr. Lynch that those people are going
24 to be here, that they have agreed to and that they are,
25 in fact, going to be here.

1 I mean, I'm talking about is the two live
2 witnesses who are going to be in here, Mr. Jacobson and
3 Mr. Dusenbery.

4 So you can give me a separate letter to
5 that effect, even -- the letter can come after -- you
6 can send the letter out August 21st or August 22nd.

7 MR. LYNCH: I can give you the commitment
8 on the record right now that we'll be --

9 JUDGE SIPPEL: Well, I want you to talk to
10 them first. I want to be sure. I want to be
11 absolutely sure. All right? And then -- But Mr.
12 Tillotson will give me the status report, based on
13 information you're going to feed to him or Fax to him
14 or however; but I want a separate letter from you out
15 by the day after the 21st or the -- let me see, the
16 21st -- It's on a Friday. Well, the 24th, which is the
17 following business day, just a personal letter from you
18 to me with a copy to Mr. Tillotson confirming that you
19 have spoken with these people, these two gentlemen, and
20 that they are agreed to come in and testify in
21 accordance with the schedule that was in the status
22 report. All right? Okay. 'Cause we're going to have
23 a reporter tied up for that week and I want to be sure
24 that you're using everybody expeditiously.

25 That's it. This was a very good session,